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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,360	12/15/2003	Adam P. Dicker	0325991-54740	6009
50828	7590	02/22/2006	EXAMINER	
DAVID S. RESNICK 100 SUMMER STREET NIXON PEABODY LLP BOSTON, MA 02110-2131			KWON, BRIAN YONG S	
			ART UNIT	PAPER NUMBER
			1614	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

The claimed inventions (particularly claims 1-15) are generic to a plurality of disclosed patentably distinct species comprising (I) (a) anti-platelet agent in combination with (b) anti-neoplastic agent, (II) (a) anti-platelet agent in combination with (c) radiation therapy, (III) (a) anti-platelet agent in combination with (b) anti-neoplastic agent and (c) radiation therapy, (IV) (a) anti-platelet agent in combination with (b) anti-neoplastic agent and (d) radiosensitizing agent, (V) (a) anti-platelet agent in combination with (c) radiation therapy and (d) radiosensitizing agent, (VI) (a) anti-platelet agent in combination with (b) anti-neoplastic agent, (c) radiation therapy and (d) radiosensitizing agent, and (VII) (a) anti-platelet agent or anti-clotting agent or SR 25909.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Moreover, whatever specific species is ultimately elected, applicants are required to list all claims readable thereon.

With the election of a specific exemplified species, a generic concept will be identified by the examiner as the inventive group for examination.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit: 1614

2. A telephone call was made to David S. Resnick on February 07, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (571) 272-0951. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Brian Kwon
Patent Examiner
AU 1614

A handwritten signature in black ink, appearing to be 'BK' followed by a long horizontal stroke.